

**COMPARISON CHART**

**SADC Deed of Easement vs. ALE Deed of Easement**

<b><u>State Agriculture Development Committee (SADC) Deed</u></b>	<b><u>FINAL Proposed Agricultural Land Easement (ALE) Deed</u></b>
<ul style="list-style-type: none"> <li>• Requires a farm conservation plan within one year of preservation</li>   <li>• Sod farming and ball-and-burlap type nursery operations permitted</li>   <li>• Pre-existing nonagricultural uses allowed to continue subject to certain conditions.</li>   <li>• Extraction of materials for agricultural purposes not limited to a particular area on the premises.</li>   <li>• Grantor may derive income from certain recreational activities.</li>   <li>• Contains the paragraph in the SADC standard deed of easement (paragraph 7) regarding the prohibition of activities detrimental to soil conservation, etc.</li>   <li>• No specific provisions regarding forest management and timber harvesting.</li> </ul>	<ul style="list-style-type: none"> <li>• If there are highly erodible lands (HEL), Grantor shall obtain a conservation plan that complies with 7 CFR Part 12 pertaining to all HEL cropland on the Premises (paragraph 8.ii.)</li>   <li>• Ball-and-burlap type nursery operations prohibited; sod farming only permitted if farm in sod production at time of preservation and State Conservationist approves continued sod production (paragraphs 2.i. and 2.ii.)</li>   <li>• Pre-existing nonagricultural uses must be approved on a case-by-case basis.</li>   <li>• Extraction of materials for agricultural purposes is limited to a pre-defined area or acreage on the premises, but this limitation does not apply to grading and other normal site preparation activities necessary to facilitate construction of permitted improvements or the location of ponds. Also, the “extraction area” may be altered or relocated. (paragraph 4)</li>   <li>• Grantor may derive income from certain outdoor recreational activities. (paragraph 6)</li>   <li>• Prohibits grading, blasting, filling, sod farming earth removal and other soil disturbance activities except under certain enumerated conditions. (paragraph 7)</li>   <li>• Forest management and timber harvesting are allowed, provided these activities are carried out in accordance with New Jersey Forestry and Wetlands Best Management Practices manual for the location, soils, and terrain of the Premises. N)</li> </ul>

<ul style="list-style-type: none"> <li>• Construction and improvement of unpaved roadways servicing agricultural uses not prohibited.</li> <li>• Does not limit the number of subdivisions that grantor may seek.</li> <li>• Grantors may install utilities necessary for permitted residential and agricultural uses.</li> <li>• No provision requiring grantor and grantee to reimburse the U.S. its costs of enforcement.</li> </ul>	<ul style="list-style-type: none"> <li>• Construction and improvement of unpaved roadways servicing agricultural uses subject to certain conditions. Added provision that the grant or modification of easements for roads is prohibited. (paragraph 12)</li> <li>• Limits the number of subdivisions that grantor may seek. Applicants may request allocation for future subdivision(s), however, such request is subject to NJ NRCS review and to be determined on a case-by-case basis. NJ NRCS preference is for no future subdivisions. (paragraph 15)</li> <li>• Grantors may only install utilities necessary for permitted uses on the Premises if the Grantee and Committee determine that such utilities will have no adverse impact on agricultural use and conservation values of the premises. (paragraph 14(c))</li> <li>• Provision requiring grantor and grantee to reimburse the U.S. its costs of enforcement. However, there are additional provisions providing a process before the U.S. exercises its right of enforcement wherein the U.S. would first provide notice to the Grantee and Committee of the nature of the non-compliance and provide a 180-day period to cure. Additionally, the amount of money the U.S. would be entitled to recover from the Grantee is capped at the amount of money the U.S. contributed toward the purchase of the ALE on that particular property. (paragraph 28)</li> </ul>
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